



**PIPER RUDNICK
GRAYCARY**

**RECEIVED
CENTRAL FAX CENTER**

APR 27 2006

DLA Piper Rudnick Gray Cary US LLP
153 Townsend Street, Suite 800
San Francisco, California 94107-1907
O 415.836.2576
F 415.836.2501
W www.dlapiper.com

FAX TRANSMISSION COVER SHEET

April 27, 2006

To:

Telephone:

Fax Number:

**Attn.: Group Art Unit 1633
United States Patent and Trademark
Office**

(571) 273-8300

From: Linda R. Judge (Reg. No. 42,702) **Client-Matter Number:**
415.836.2500

Re: U.S. Patent Application No. 10/602,853
Filing Date: June 24, 2003
First Named Inventor: Yung-Nien CHANG
Art Unit: 1633
Examiner: Scott Long
Attorney Docket No.: 3802-173-27 DIV

Pages: - 13 - (including this form) **Originals:**

If there is a problem with this transmission, please call _____ at

Fax Operator/Ext.

Message:

Papers Included in this filing:

1. Transmittal + copy (2 pages)
2. Response to Restriction Requirement (10 pages)

CONFIDENTIALITY NOTICE

This communication is ONLY for the person named above. Unless otherwise indicated, it contains information that is confidential, privileged or exempt from disclosure under applicable law. If you are not the person named above, or responsible for delivering it to that person, be aware that disclosure, copying, distribution or use of this communication is strictly PROHIBITED. If you have received it in error, or are uncertain as to its proper handling, please immediately notify us by collect telephone and mail the original to us at the above address. Thank you.

Serving clients globally

SANF1\345793.1
306229-241

APR 27 2006

PAGE 2/3 * RCVD AT 4/27/2006 5:44:04 PM [Eastern Daylight Time] * SVR:USPTO-EF-XRF-5/9 * DNS:2738300 * CSID:415 836 2501 * DURATION (mm-ss):04-36

PTO/SB/21 (08-04)

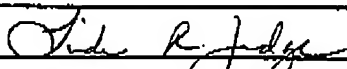
Approved for use through 07/31/2006. OMB 0651-0031

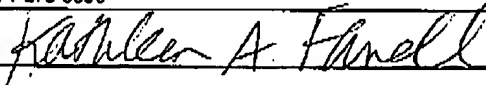
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/602,853
	Filing Date	June 24, 2003
	First Named Inventor	Yung-Nien CHANG
	Art Unit	1633
	Examiner Name	Scott Long
Total Number of Pages in This Submission	12 pages	Attorney Docket Number 3802-173-27 DIV

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Facsimile Cover Sheet
Remarks The Commissioner is authorized to charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 07-1896. A duplicate copy is provided. Customer No. 29585		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	DLA Piper Rudnick Gray Cary US LLP, 153 Townsend Street, Suite 800, San Francisco, CA 94107-1957		
Signature			
Printed name	Linda R. Judge, Telephone: 415-836-2586, Facsimile: 415-836-2501		
Date	April 27, 2006	Reg. No.	42,702

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: 1-571-273-8300			
Signature			
Typed or printed name	Kathleen A. Farrell	Date	April 27, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

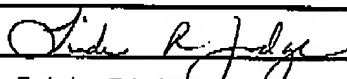
PTO/SB/21 (09-04)

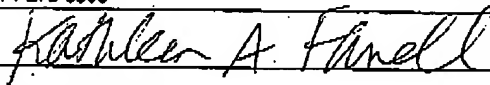
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/602,853	
	Filing Date	June 24, 2003	
	First Named Inventor	Yung-Nien CHANG	
	Art Unit	1633	
	Examiner Name	Scott Long	
Total Number of Pages in This Submission	12 pages	Attorney Docket Number	3802-173-27 DIV

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Facsimile Cover Sheet
Remarks The Commissioner is authorized to charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 07-1896. A duplicate copy is provided. Customer No. 29585		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	DLA Piper Rudnick Gray Cary US LLP, 153 Townsend Street, Suite 800, San Francisco, CA 94107-1957	
Signature		
Printed name	Linda R. Judge, Telephone: 415-836-2588, Facsimile: 415-836-2501	
Date	April 27, 2006	Reg. No. 42,702

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: 1-571-273-8300		
Signature		
Typed or printed name	Kathleen A. Farrell	Date April 27, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED
CENTRAL FAX CENTER

APR 27 2006

DOCKET NO. 3802-173-27 DIV

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Yung-Nien CHANG, et al. Art Unit: 1633

SERIAL NO.: 10/602,853 Examiner: Scott Long

FILING DATE: June 24, 2003

FOR: VECTORS FOR TISSUE-SPECIFIC REPLICATION AND
GENE EXPRESSION

RESPONSE TO RESTRICTION REQUIREMENT

MAIL STOP AMENDMENT
COMMISSIONER FOR PATENTS
PO BOX 1450
ALEXANDRIA, VA 22313-1450

SIR:

Responsive to the Restriction/Election of Species Requirement dated March 28, 2006,

Applicants elect:

A: a viral enhancer as the tissue specific enhancer (recited in Claims 41 and 55);

B: an alpha-fetoprotein promoter as the tissue specific promoter (recited in Claims 40, 54, 67, 76, 85 and 92);

C: E1a as the transcription factor (recited in Claims 38-96); and

D: thymidine kinase as the coding sequences (recited in Claims 42, 50, 56, 58, 73, 82, 88, 89, 95 and 96), with traverse, for further prosecution at this time.

Remarks begin on page 9 of this paper.